

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NESIM BAHAR, SIMON ELIAS, JACQUELINE :
M. C. ELIAS, IZAK SENBAHAR and SARAH :
SENBAHAR, :

Plaintiffs, :

v. :

UNITED STATES OF AMERICA, :

Defendants. :
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/29/08

ECF CASE

08 Civ. 4738 (WHP)

SCHEDULING ORDER

WHEREAS, on May 21, 2008, plaintiffs filed with this Court a complaint and motion for temporary restraining order and preliminary injunction seeking to bar defendant the United States of America, acting through its agency the Internal Revenue Service ("IRS" or the "Government"), from taking any collection action with regard to Plaintiffs' federal tax liabilities for the 2003 through 2005 tax years;

WHEREAS, the Court held two conferences with counsel for the parties on May 21, 2008 and May 22, 2008, respectively;

WHEREAS, the Court declined to grant plaintiffs' motion for a temporary restraining order; and

WHEREAS, on May 22, 2008, the Government represented to the Court that IRS will suspend any collection activities against plaintiffs Nesim Behar, Simon Elias and Simon Senbahar with respect to their federal tax liabilities for the tax years 2003 through 2005 until the Court has resolved plaintiffs' pending motion for a preliminary injunction.

NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED:

1. Plaintiffs shall serve upon the Government copies of any and all documents concerning plaintiffs' alleged irreparable harm on which plaintiffs will rely to support their preliminary injunction motion on or before June 27, 2008.
2. Plaintiffs shall serve upon the Government any supplemental briefing, declarations or affidavits in support of their pending motion for a preliminary injunction on or before June 27, 2008.
3. The Government's opposition to plaintiffs' motion for a preliminary injunction shall be due on or before August 1, 2008.
3. Plaintiffs' reply shall be due on or before August 29, 2008.
4. Oral argument on plaintiffs' motion for preliminary injunction shall be held at 12:00 ~~[a.m.]~~ [p.m.] on Oct. 10, 2008 at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, in Courtroom 11D.
5. IRS shall suspend any collection activities against plaintiffs Nesim Behar, Simon Elias and Simon Senbahar with respect to their federal tax liabilities for the tax years 2003 through 2005 until the Court has resolved plaintiffs' pending motion for a preliminary injunction.

SO ORDERED:

Dated: New York, New York
May 27, 2008


HON. WILLIAM H. PAULEY III
UNITED STATES DISTRICT JUDGE